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# 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Jax B. Cowden, et al.	Examiner: not yet known
Serial No.: 09/993,906	Art Unit: 2152
Filed: November 27, 2001	Atty. Docket No.: 10005.000120
Title: Method and Apparatus for Distributing a Computer Program	

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed 12/06/2001 for the above-identified patent application, enclosed are the following:

- A copy of the Notice to File Missing Parts of Nonprovisional Application;
- Power of Attorney;
- An original, signed Declaration;
- Payment in the amount of \$435.00 for the filing and surcharge fees;
- Applicant claims small entity status under 37 C.F.R. section 1.27.

If the Examiner has any questions or needs additional information, the Examiner is invited to contact the undersigned attorney at (650) 691-2030.

Dated: 1-16-2002

Respectfully submitted,  
Jax B. Cowden, et al.

By: Patrick D. Benedicto  
Patrick D. Benedicto  
Attorney For Applicant(s)  
Reg. No. 40,909  
DEGUZMAN OKAMOTO & BENEDICTO LLP  
P.O. Box 51900  
Palo Alto, California 94303  
(650) 691-2030  
(650) 691-2032 (FAX)

Enclosure (s)

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:	<u>Patrick D. Benedicto</u>		
Typed or Printed Name:	Patrick D. Benedicto	Dated:	Jan. 16, 2002
Express Mail Mailing Number (optional):			

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PATENT & TRADEMARK OFFICE

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PTO/SB/17 (11-00)  
for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**MAIL DATE CANCELLED**  
**FEE TRANSMITTAL for FY 2002**  
Fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 435.00

Complete if Known	
Application Number	09/993,906
Filing Date	November 27, 2001
First Named Inventor	Jax B. Cowden
Examiner Name	not yet known
Group / Art Unit	2152
Attorney Docket No.	10005.000120

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**METHOD OF PAYMENT (check one)**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 50-2030

Deposit Account Name: deGuzman Okamoto & Benedicto, LLP.

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

**FEE CALCULATION (continued)**

3. ADDITIONAL FEES		Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65

**FEE CALCULATION**

1. BASIC FILING FEE		Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 370

**2. EXTRA CLAIM FEES**

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
10	3		0	9	0
			0	42	0
					0

Large Entity	Small Entity	Fee Description	Fee Paid		
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Patrick D. Benedicto	Registration No. Attorney/Agent)	40,909	Telephone	650-691-2030
Signature	<i>Patrick Benedicto</i>	Date	January 16, 2002		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DATE CANCELLED  
FEB 02 2002

PATENT & TRADEMARK OFFICE  
TYPE JC  
FEB 01 2002  
(to be used for all correspondence after initial filing)

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>	Application Number	09/993,906	
	Filing Date	November 27, 2001	
	First Named Inventor	Jax B. Cowden	
	Group Art Unit	2152	
	Examiner Name	not yet known	
Total Number of Pages in This Submission	35	Attorney Docket Number	10005.000120

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ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Letter to the Official Draftsperson <input type="checkbox"/> Corrected Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney <input checked="" type="checkbox"/> Signed Declaration <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;"><b>Return receipt postcard</b></p>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Patrick D. Benedicto, Reg. No. 40,909 DEGUZMAN OKAMOTO & BENEDICTO, LLP.		
Signature	<i>Patrick Benedicto</i>		
Date	January 16, 2002		

CERTIFICATE OF MAILING

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Typed or printed name	Patrick D. Benedicto		
Signature	<i>Patrick Benedicto</i>	Date	Jan. 16, 2002

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**FREE TRANSMITTAL** for FY 2002  
 Patent fees are subject to annual revision.  
 Stamps: MAIL DATE CANCEL, FEB 01 2002, PATENT & TRADEMARK OFFICE, JCB88

**Complete if Known**

Application Number	09/993,906
Filing Date	November 27, 2001
First Named Inventor	Jax B. Cowden
Examiner Name	not yet known
Group / Art Unit	2152
Attorney Docket No.	10005.000120

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 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
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2.  Payment Enclosed:  
 Check  Credit card  Money Order  Other

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Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65

**FEE CALCULATION**

1. BASIC FILING FEE

Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
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107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 370

2. EXTRA CLAIM FEES

Total Claims	10	-20	=	0	X	9	=	0
Independent Claims	3	-3	=	0	X	42	=	0
Multiple Dependent					X		=	0

Large Entity Fee Code 103 Fee (\$)

Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
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104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY** Complete (if applicable)

Name (Print/Type)	Patrick D. Benedicto	Registration No. Attorney/Agent)	40,909	Telephone	650-691-2030
Signature	Patrick Benedicto			Date	January 16, 2002

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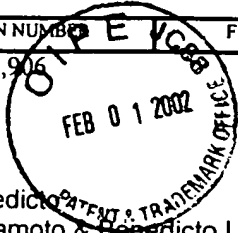
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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/993,906	11/27/2001	Jax B. Cowden	10005.000120



CONFIRMATION NO. 7660

FORMALITIES LETTER



Patrick D. Benedicto  
deGuzman Okamoto & Benedicto LLP  
P.O. Box 51900  
Palo Alto, CA 94303

Date Mailed: 12/05/2001

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

#### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 435.**

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08 08 2002 PARAGRAPH 10001177 1000000000

